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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,451	12/02/2004	Johann Reitter		3006

7590
JOHANN REITTER
WOTZING 16
4880 BERG IM
ATTERGAU,
AUSTRIA

08/07/2007

EXAMINER

NGUYEN, SIMON

ART UNIT	PAPER NUMBER
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2618

MAIL DATE	DELIVERY MODE
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08/07/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/516,451

Applicant(s)

REITTER ET AL.

Examiner

SIMON D. NGUYEN

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21, 22, 24-27, 29 and 30 is/are rejected.
- 7) ☒ Claim(s) 23, 28 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 21-22, 24-27, 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eriksson et al. (2002/0164980) in view of Bemmer et al. (7,116,653) and Barany et al. (US 2003/0189900).

Regarding claim 21, Eriksson discloses a method for transmitting IP packets between a radio Network Controller and a mobile station in a mobile radio network (fig.1-3, paragraphs 30-31), comprising: transmitting by a transceiver of the mobile station (fig.1-2, paragraph 52) an IP packet that includes a TFCI to the BTS (part of RNC); a transceiver of the BTS (the transceiver of fig.2 is also within the BTS or RNC) stored a plurality of TFCIs, wherein the transceiver of the BTS selects a new TFCI for appropriate configuration of the received TFCI (the new TFCI selected by the transceiver of the BTS is obviously a second coder-decoder indication); and forwarding the IP packet, which includes the second TFCI (figs 1-4, 6, 11-14, paragraphs 29-31, 52-63, 89, 98-99, 104). However, Eriksson does not specifically disclose replacing a first codec to a second codec and encapsulating the IP packet by generating a header with a codec mode.

Bemmer discloses a method for changing mode in a communication system, comprising: a RNC determines to change a current codec operating mode to other codec mode and send to the U-MSR for exchange the codec mode, wherein the codec mode is encapsulated in a prefix of a frame (figs. 1, 3, column 3 lines 21-25, column 3 lines 31-42, column 5 lines 1-14, claim1). However, both Eriksson and Bemmer do not specifically disclose encapsulating the IP packet by generating a header with a codec mode.

Barany discloses a communication system in which a RAN encapsulate an IP packet by generating a header with a codec mode. Therefore, it would have been obviously for one skilled in the art at the time the invention was made to have the teaching of Eriksson, modified by Bemmer and Barany in order to improve the quality of transmission IP packet.

Regarding claims 22, 27, Eriksson further discloses an interface (#17) between a mobile terminal and a base station (fig.1).

Regarding claims 24, 29, Eriksson further discloses the IP packet converted to an optimized codec support frame format for transport and divided into RAB subflows for transport (paragraphs 5-6, 21-22, 59-61, figs. 13-14) and Barany discloses the RTP tunnel for transporting the IP packet (paragraphs 36, 37, 39).

Regarding claims 25, 30, Eriksson further discloses the forwarding of the encapsulated IP packet is performed via a GPRS (figs. 13-14, paragraphs 12, 22, 92-94).

Allowable Subject Matter

3. Claims 23, 38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 23, 38, the prior art of record fails to teach a third coder-decoder mode which is exchanged for the second coder-decoder.

Response to Arguments

4. Applicant's arguments with respect to claims 21-26 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Simon Nguyen whose telephone number is (571) 272-7894. The examiner can normally be reached on Monday-Friday from 7:00 AM to 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban, can be reached on (571) 272-7899.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 306-0377.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

600 Dulany, Alexandria, VA 22314

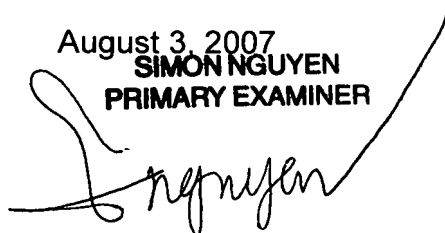
Or faxed to:

(571) 273-8300 (for formal communications intended for entry)

Hand-delivered response should be brought to Customer Service Window located at the Randolph Building, 401 Dulany, Alexandria, VA, 22314.

Simon Nguyen

August 3, 2007
SIMON NGUYEN
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read 'S. Nguyen', is written over the printed name and title of the examiner.